

DAE



I hereby Certify that this Correspondence is being deposited with the United States Postal service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 21, 2010

Name John D. Lepore  
Signature John D. Lepore  
Date of Signature May 21, 2010

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Prasad, et al.

Confirmation no. 9446

Serial No. 10/764,677

Filed: January 26, 2004

U.S. Patent No. 7,364,754

Issued: April 29, 2008

For: Ceramic based nanoparticles for entrapping therapeutic agents for photodynamic therapy and method of using same

**PETITION FOR CORRECTION OF INVENTORSHIP**

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant respectfully petitions under 37 C.F.R. § 1.324, pursuant to 35 U.S.C. 256, that the inventorship for the above-referenced patent be corrected to include inventors i) Allan R. Oseroff, ii) Ravindra K. Pandey and iii) Janet Morgan. Inventor Allan R. Oseroff is deceased. Therefore, the papers requiring a signature from this inventor and submitted herewith have been executed by Stephanie Pincus, Executrix of the Estate of Allan R. Oseroff, and thus his legal representative per 37 CFR 1.42.

The non-joinder of the three inventors being added with the instant petition was due to recognition of an inventive contribution from the added inventors subsequent to issuance of the patent. The papers in support of this petition and submitted herewith are copies of the originals. The originals are with the attorney of record.

The papers submitted herewith are:

- (1) A statement from each person who is being added as an inventor that the inventorship error occurred without deceptive intention on his or her part;
- (2) A statement from the current named inventors agreeing to the change of inventorship; and
- (3) A statement from the Assignee of record agreeing to the change of inventorship in the patent.
- (4) A Declaration from the added inventors.

05/25/2010 MBELETE1 00000051 002442 10764677  
01 FC:1464 130.00 DA

The fee set forth in § 1.20(b) for submission of the petition, and any other fees due with this paper, are to be charged to Deposit account No. 08-2442.

Respectfully submitted,

/John D. Lopinski/

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John D. Lopinski, Reg. No. 50,846

The Guaranty Building  
140 Pearl Street, Suite 100  
Buffalo, NY 14202-4040  
Tel:(716) 848-1430  
DATE: May 21, 2010



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Name John D. Wapner

Signature [Signature]

Date of Signature May 21, 2010

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Prasad, et al.

Serial No.: 10/764,677

Filed: 01/26/2004

Patent No.: 7,364,754

Issued: April 29, 2008

For: Ceramic Based Nanoparticles For Entrapping Therapeutic Agents for Photodynamic Therapy and Method of Using Same

**STATEMENT OF LACK OF DECEPTIVE INTENT IN SUPPORT OF PETITION TO CORRECT INVENTORSHIP**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

I, Stephanie Pincus, Executrix of the Estate of Allan R. Oseroff, do hereby declare that Allan R. Oseroff was an inventor for the above-identified patent, and that the error wherein his name was omitted was inadvertent and occurred without deceptive intent on his part.

Date: 3/22/10

Stephanie Pincus Executrix  
Stephanie Pincus  
Executrix of the Estate of Allan R. Oseroff



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Name John D. Loggish

Signature [Signature]

Date of Signature May 21, 2010

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Prasad, et al.

Serial No.: 10/764,677

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For: Ceramic Based Nanoparticles For Entrapping Therapeutic Agents for Photodynamic Therapy and Method of Using Same

**STATEMENT OF LACK OF DECEPTIVE INTENT IN SUPPORT OF PETITION TO CORRECT INVENTORSHIP**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

We, RAVINDRA K. PANDEY and JANET MORGAN, hereby declare that we are inventors for the above-identified patent, and that the error wherein our names were omitted was inadvertent and occurred without deceptive intent on our part.

Date: 3/3/2010

[Signature]  
Ravindra K. Pandey

Date: 2/2/2010

[Signature]  
Janet Morgan



I hereby Certify that this Correspondence is being deposited with the United States Postal service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 21, 2010.

Name John D. Berges  
Signature John D. Berges  
Date of Signature May 21, 2010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Prasad, et al.

Serial No.: 10/764,677

Filed: 01/26/2004

Patent No.: 7,364,754

Issued: April 29, 2008

For: Ceramic Based Nanoparticles For Entrapping Therapeutic Agents for Photodynamic Therapy and Method of Using Same

STATEMENT IN SUPPORT OF PETITION TO CORRECT INVENTORSHIP

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

We, PARAS PRASAD, INDRAJIT ROY, EARL J. BERGEY, TYMISH Y. OHULCHANSKY and HARIDAS PUDAVAR, hereby consent to adding ALLAN OSEROFF, RAVINDRA K. PANDEY and JANET MORGAN as inventors to the above-identified patent.

Date: 6/3/09

Paras Prasad  
Paras Prasad

Date: 06/03/09

Indrajit Roy  
Indrajit Roy

Date: 06/04/09

Earl J. Berges  
Earl J. Berges

Date: 06/03/09

Tymish Y. Ohulchansky  
Tymish Y. Ohulchansky

Date: 05/26/09

Haridas Pudavar  
Haridas Pudavar



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Name John D. Popait

Signature [Signature]

Date of Signature May 21, 2010

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Prasad, et al.

Serial No.: 10/764,677

Filed: 01/26/2004

Patent No.: 7,364,754

Issued: April 29, 2008

For: Ceramic Based Nanoparticles For Entrapping Therapeutic Agents for Photodynamic Therapy and Method of Using Same

**CONSENT OF ASSIGNEE TO CORRECTION OF INVENTORSHIP**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

The undersigned, an authorized representative of The Research Foundation of State University of New York, the assignee of the above-identified patent, as evidenced by the Assignment recorded at Reel/Frame 015367/0274, hereby consents to the addition of Allan Oseroff, Ravindra K. Pandey and Janet Morgan as inventors to the above-identified patent.

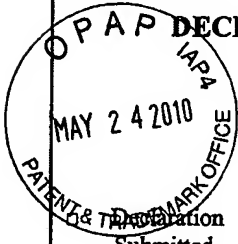
THE RESEARCH FOUNDATION  
OF STATE UNIVERSITY OF  
NEW YORK

Date: May 22, 2009

By: [Signature]

Name: Jeffrey A. Dunbar

Title: [Signature]

 <p><b>DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION</b> (37 CFR 1.63)</p> <p>Submitted with Initial Filing <b>OR</b> ■ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16(e)) required)</p>	Attorney Docket Number	011520.00340
	First Named Inventor	Prasad et al.
	<b>COMPLETE IF KNOWN</b>	
	Application Number	10/764,677
	Filing Date	January 26, 2004
	Group Art Unit	
Examiner Name		

As a below named inventor, I hereby declare that:  
Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**Ceramic Based Nanoparticles For Entrapping Therapeutic Agents For Photodynamic Therapy And Method Of Using Same**

*(Title of the Invention)*

the specification of which

☐ is attached hereto

OR

■ was filed on (MM/DD/YYYY) 01/26/2004 as United States Application Number or PCT International

Application Number 10/764,677 and was amended on (MM/DD/YYYY)                      (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, or inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application (Numbers)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
			<input type="checkbox"/>	YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	
60/442,237	01/24/2003	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

## DECLARATION - Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application or PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

☒ Customer Number

OR

☐ Registered practitioner's name/registration number listed below

26712



Place Customer Number  
Bar Code Label Here

☐ Additional registered practitioner(s) named on supplemental Registered Practitioner Information sheet PTO/SB/02C attached hereto

Direct all correspondence to: ☒ Customer Number  
or Bar Code Label

26712

OR

☐ Correspondence address below

Name	Hodgson Russ LLP				
Address	The Guaranty Building				
Address	140 Pearl Street, Suite 100				
City	Buffalo	State	New York	ZIP	14202-4040
Country	United States	Telephone	(716) 856-4000	Fax	(716) 849-0349

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:

☐ A petition has been filed for this unsigned inventor

Given Name (first and middle [if any])	PARAS	Family Name or Surname	PRASAD
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Inventor's Signature	Date
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Residence: City Williamsville	State New York	Country U.S.	Citizenship U.S.
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Mailing Address  
51 Waterford Parkway

City Williamsville	State New York	ZIP 14221	Country U.S.
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☒ Additional inventors are being named on the 2 supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.



**DECLARATION****ADDITIONAL INVENTOR(S)**  
Supplemental Sheet

Page 3 of 54

<b>NAME OF SECOND INVENTOR:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) <b>INDRAJIT</b>		Family Name or Surname <b>ROY</b>	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship India
Mailing Address			
City	State	ZIP	Country
<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) <b>EARL J.</b>		Family Name or Surname <b>BERGEY</b>	
Inventor's Signature		Date	
Residence: City South Dayton	State New York	Country U.S.	Citizenship U.S.
Mailing Address 12990 Dye Road			
City South Dayton	State New York	ZIP 14138	Country U.S.
<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) <b>TYMISH Y.</b>		Family Name or Surname <b>OHULCHANSKY</b>	
Inventor's Signature		Date	
Residence: City Kenmore	State New York	Country U.S.	Citizenship Ukraine
Mailing Address 807 Kenmore Avenue, Apt. 4			
City Kenmore	State New York	ZIP 14223	Country U.S.

DECLARATION		ADDITIONAL INVENTOR(S) Supplemental Sheet	
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) <b>Ravindra K.</b>		Family Name or Surname <b>Pandey</b>	
Inventor's Signature <i>R. Pandey</i>		Date <b>3/3/2010</b>	
Residence: City <b>Williamsville</b>	State <b>NY</b>	Country <b>US</b>	Citizenship <b>IN</b>
Mailing Address <b>75 Lemay Court</b>			
City <b>Williamsville</b>	State <b>NY</b>	ZIP <b>14221</b>	Country <b>US</b>
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) <b>Allan</b>		Family Name or Surname <b>Oseroff</b>	
Inventor's Signature <i>Stephanie Pincus Executrix</i> (by, Stephanie Pincus, as Executrix of the Estate of Allan R. Oseroff)		Date <b>3/22/10</b>	
Residence: City <b>Buffalo</b>	State <b>NY</b>	Residence: City <b>Buffalo</b>	State <b>NY</b>
Mailing Address <b>269 Middlesex Road</b>			
City <b>Buffalo</b>	State <b>NY</b>	City <b>Buffalo</b>	State <b>NY</b>

**DECLARATION****ADDITIONAL INVENTOR(S)**  
**Supplemental Sheet**

Page 4 of 54

**Name of Additional Joint Inventor, if any :**☐ A petition has been filed for this unsigned inventor**Given Name**

(first and middle [if any])

**HARIDAS****Family Name**

or Surname

**PUDAVAR****Inventor's  
Signature****Date****Residence: City**

North Tonawanda

**State**

New York

**Country**

U.S.

**Citizenship**

India

**Mailing Address**

202 Robert Drive, #5

**City**

North Tonawanda

**State**

New York

**ZIP**

14120

**Country**

U.S.

**Name of Additional Joint Inventor, if any :**☐ A petition has been filed for this unsigned inventor**Given Name (first and middle [if any])****Janet****Family Name or Surname****Morgan****Inventor's  
Signature***J. Morgan***Date**

2/2/2010

**Residence: City****Buffalo****State****NY****Country****US****Citizenship****US****Mailing Address****529 Norwood Avenue****City****Buffalo****State****NY****ZIP****14222****Country****US**☒ Additional inventors are being named on the one (1) supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.